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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NEW PENN FINANCIAL, LLC DBA
SHELLPOINT MORTGAGE SERVICING;
FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff,

v.

RIVERWALK RANCH MASTER
HOMEOWNERS ASSOCIATION; RICHARD
FOJAS,

Defendants.

Case No.: 2:17-cv-02167-APG-CWH

**STIPULATION AND ORDER TO STAY
DISCOVERY**

RICARDO FOJAS,

Counterclaimant,

vs.

NEW PENN FINANCIAL, LLC DBA
SHELLPOINT MORTGAGE SERVICING;
FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Counterdefendants.

1 RICARDO FOJAS,

2 Crossclaimant,

3 vs.

4 RIVERWALK MASTER HOMEOWNERS
ASSOCIATION,

5 Crossdefendant.

6 **STIPULATION AND ORDER TO STAY DISCOVERY**

7
8 Plaintiff New Penn Financial, LLC dba Shellpoint Mortgage Servicing and Federal Home Loan
9 Mortgage Corporation (**Shellpoint**) Riverwalk Homeowners Association (**HOA**) and Ricardo Fojas
10 (collectively **Defendants**), hereby stipulate and agree to stay all discovery pending the Court's ruling
11 on Shellpoint's motion for summary judgement, [ECF No. 21]. Federal district courts have "wide
12 discretion in controlling discovery." *Little v. City of Seattle*, 863 F.2d 681,685 (9th Cir.1988).

13 The pending motion raises purely legal issues that can be resolved without discovery. The
14 resolution of the motion will control the issues and extent of discovery on all issues. If it is granted, it
15 may result in possible settlement of the entire case.

16 As such, it is within the court's power to grant a stay of discovery at this time. This is the
17 parties' first request for a stay of discovery, and is not intended to cause any delay or prejudice to any
18 party. A trial date has not yet been set in this case.

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Granting the stay of discovery while the motion for summary judgment based on the Federal Foreclosure Bar is pending will facilitate the orderly course of justice and enhance judicial economy. The outcome of Plaintiffs' motion for summary judgment will result in the resolution of the entire case. Without a stay of discovery, the parties will have to expend resources on discovery matters that the Ninth Circuit in *Berezovsky* and *Elmer* indicated was unnecessary. It is therefore appropriate for this Court to exercise its power to extend the stay of discovery at this time.

Dated: March 21, 2018

AKERMAN LLP

HALL, JAFFE & CLAYTON, LLP

/s/ Tenesa S. Powell

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/s/ Ricardo Fojas

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Defendant Pro-Se

IT IS SO ORDERED.

Plaintiff's motion to
stay discovery
[#22] is DENIED as
moot.


UNITED STATES MAGISTRATE JUDGE

DATED: March 22, 2018